UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,176	02/03/2006	Detlef Teichner	HI09054USU (P03080)	6762

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THE ECLIPSE GROUP LLP	LANGENOJA, KUNAL N

	ART UNIT	PAPER NUMBER
10605 BALBOA BLVD., SUITE 300 GRANADA HILLS, CA 91344	2427	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/532,176	TEICHNER ET AL.
	Examiner	**Art Unit**	
	KUNAL LANGHNOJA	2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>02 July 2010</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-26</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-26</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>02 July 2010</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 07/02/2010 have been fully considered but they are

not persuasive.

With respect to claim 1, applicant argues cited reference fail to teach claimed

limitation of an evaluation unit, a demultiplexer and a multiplexer, a demultiplexer

configured to separate the audio, video and miscellaneous data and multiplexer

configured to combine the audio and vide signal into one data stream for transmission

to a network. The examiner respectfully disagrees.

In response to applicant's arguments against the references individually, one

cannot show nonobviousness by attacking references individually where the rejections

are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.

1986). The combination teaches A/V appliances transmit information regarding content

contained/received to the control unit 12, which is connect to operating units 14 and 15.

For example, TV receiver provides information about receivable station and their

program content. Furthermore, program information and program may be obtained over

the internet. Wherein, control unit 12 processes the received information and assigns

plurality of classes (Figures 1-2; Para. 0039, 0041 and 0044-45) (Claimed: evaluation

unit configured to receive miscellaneous data). Furthermore, the examiner relied on

Jutzi et al to teach a demultiplexer and a multiplexer, a demultiplexer configured to

separate the audio, video and miscellaneous data and multiplexer configured to

combine the audio and vide signal into one data stream for transmission to a network.

Wherein, figure 2 clearly shows demultiplexer [206] separates received data into video,

audio and program data and multiplexer [210] combines audio and video signal into one

data stream for transmission (Figure 2, Para. 0026-27). Therefore, the combination

meets limitations present in claim 1.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Knobi et al (US Patent Pub No. 2001/0025376), in view of Jutzi et al (US Patent Pub

No. 2006/0095939).

        Regarding claim 1, Knobi et al teaches a digital television system in a vehicle

(Figure 1) comprising:

        a network [1] that communicates audio, video and miscellaneous data signals

(audio, video and data with respect to A/V) (Figure 1, Abstract, Paragraphs 0007-8) ;

        a display [16-,17] that receives the signals from the network [1] and displays

information from the signals (Figure 1; Abstract, Paragraphs 0039, 0044);

        an operating unit [14,15] that requests a program or program information through

the network (Paragraph 0039, 0044); and

a television reception unit [6, 14, 15] that processes a digital transmission signal having audio, video and miscellaneous data, the television reception unit further comprising:

a plurality of television receiver module [6, 8, 9] each configured to receive one of a plurality of digital transmission signals (Figure 1, Paragraphs 0039, 0041);

an evaluation unit in communication with *the demultiplexer* and configured to receive miscellaneous data from *the demultiplexer*; (i.e. receiving information with respect to A/V presentation) (Paragraphs 0039, 0041, 0044)

a memory configured to store the miscellaneous data and a controller that manages the miscellaneous data (0008, 0044, 0048);

a controller [12] configured to receive commands (Para. 0012), manage the miscellaneous data (Para. 0044, 0048), communicate with the operating unit (Para 0012), the television receiver module, and *the demultiplexer*, and to transmit the miscellaneous data to the network when recalled from the memory (Para. 0012, 0039, 0044). However, the reference is unclear with respect to a demultiplexer, a demultiplexer configured to receive at least one of the digital transmission signals and to separate the audio, video and miscellaneous data; a multiplexer configured to combine the audio and video signal into one data stream for transmission to the network.

In similar field of endeavor, Jutzi et al teaches a demultiplexer [206], a demultiplexer [206] configured to receive at least one of the digital transmission signals and to separate the audio, video and miscellaneous data (Figures 1 and 2); a multiplexer [210] configured to combine the audio and video signal into one data stream

for transmission to the network (Figure 2; paragraph 0026-27). Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to

modify the reference for the common knowledge purpose of proving user an appliance-

independent user interface on the basis of which the user can select the presentation

independently of the appliances.

Claim 2 is rejected wherein the network comprises a Media Oriented Systems

Transport (MOST) network (Figure 1, Paragraph 0039).

Claim 3 is rejected wherein the television reception unit [6, 14] further comprises

an interface to the network [1] (Figure 1).

Claim 4 is rejected wherein the data saved in the memory is transmitted

asynchronously to the network (Para. 0010, 0044).

Claim 5 is rejected wherein the controller is connected to the network [1] via a

control bus (Figure 1; Para. 0039).

Claim 6 is rejected wherein a content and an organization of the data saved in

the memory are controlled by the controller (Figure 1; Para. 0012, 0039, 0044, 0048).

Claim 7 is rejected wherein the content is determined by a criterion specified by

the controller (Para. 0012-13, 0044, 0048)

Claim 8 is rejected wherein data is cyclically written to the memory from the

controller (Para. 0010, 0044)

Claim 9 is rejected wherein the miscellaneous data transmitted to the network [1]

from the television reception unit [6, 14, 15] and the miscellaneous data written to the

memory unit are selected by the controller (Figure 1; Para. 0010, 12-13, 0039, 0044)

Claim 10 is rejected wherein the miscellaneous data written to the memory comprises program data for a television program currently received (Para. 0039, 0041).

Claim 11 is rejected wherein the program data saved in the memory comprises one of an Electronic Program Guide and a Multimedia Home Platform (Para. 0039, 0041, 0044).

Regarding claim 12, Knobi and Jutzi, the combination teaches everything claim (see claim 1). However, the combination is unclear with respect to where the data in memory is tested for plausibility or completeness, and when the data is in error, the data is substituted, or if missing, the data is supplemented where the demultiplexer is initiated and is configured to make the corresponding data available. The examiner takes OFFICAL NOTICE of the fact that it was well known in the art at the time the invention was made to provide the data in memory is tested for plausibility or completeness, and when the data is in error, the data is substituted, or if missing, the data is supplemented where the demultiplexer is initiated and is configured to make the corresponding data available for the common knowledge purpose of providing system with most updated information in order to execute remind/record functions for shows.

Regarding claim 13, Knobi and Jutzi, the combination teaches everything claim (see claim 1). However, the combination is unclear with respect to a mobile telephone configured to communicate with the network. The examiner takes OFFICAL NOTICE of the fact that it was well known in the art at the time the invention was made to provide a mobile telephone configured to communicate with the network for the common knowledge purpose of allowing users to make/receive calls, when away from home.

Regarding claim 14, Knobi et al teaches a digital television reception unit in a
mobile television system (Figure 1) comprising:

a plurality of digital television reception modules configured to receive a plurality
of data streams of television signals (i.e. A/V appliances able to receive plurality of data
streams) (Figure 1; Para. 0007-8);

a network interface configured to transmit the audio and video signals into a
network (Figure 1; Paragraphs 0010, 0012, 0039);

an evaluation unit configured to evaluate the content of the miscellaneous data
(i.e. receiving information with respect to A/V presentation)(Paragraphs 0039, 0041,
0044); a memory that saves the miscellaneous data according to a specified criteria
(0008, 0044, 0048); a controller configured to sort and manage the saved
miscellaneous data (Para. 0044, 0048), where the controller is configured to
communicate with at least one of the plurality of television reception modules; and the
network interface is configured to communicate with the controller (Figure 1; Para.
0012, 0039, 0044). However, the reference is unclear with respect to a demultiplexer
configured to separate video, audio, and miscellaneous data signals from the data
streams.

In similar field of endeavor, Jutzi et al teaches a demultiplexer [206] configured to
separate video, audio, and miscellaneous data signals from the data streams (Figure 2).
Therefore, it would have been obvious to one of ordinary skill in the art at the time the
invention was made to modify the reference for the common knowledge purpose of

proving user an appliance-independent user interface on the basis of which the user
can select the presentation independently of the appliances.

Regarding claim 15, Knobi and Jutzi, the combination teaches everything
claimed (see claim 14). The combination teaches the miscellaneous data comprises
program data related to programs other than a program being received (Knobi: Para.
0010, 0012, 0039, 0041 0044).

Regarding claim 16, Knobi and Jutzi, the combination teaches everything
claimed (see claim 14). The combination teaches one of the plurality of television
reception modules and the controller process miscellaneous data in a background
operation for a program other than a program being currently processed and displayed
(Knobi: Para. 0010, 0012, 0039, 0041 0044 and Jutzi: Paragraph 0024 and 0029).

Regarding claim 17, Knobi and Jutzi, the combination teaches everything
claimed (see claim 14). The combination the operable connection between the
controller and the network interface comprises a bi-directional bus that is configured to
transmit miscellaneous data into the network (Knobi: Figure 1, Para. 0010, 0012, 0044
and Jutzi: figures 1 and 3; paragraphs 0031).

Claim 18 is rejected wherein the controller and the memory form a server
configured to transmit the miscellaneous data to one of the plurality of displays (Figure
1; Para. 0010, 0012, 0039, 0044).

Claim 19 is rejected wherein the network comprises a ring-shaped Media
Oriented Systems Transport network (Figure 1).

Claim 20 is rejected wherein the network [1] is configured to carry commands from an operating unit operably connected to the network to the controller (figure 1; Para. 0009, 0039)

Claim 21 is rejected wherein the controller is configured to retrieve miscellaneous data from the memory for display (figures 1 and 2; Para. 0039, 0044 and 0046).

Regarding claim 22, Knobi et al teaches a method for receiving digital television signals in a mobile digital television reception system (figure 1) comprising:

receiving a plurality of digital data streams comprising coded and compressed television signals (i.e. A/V appliances able to receive plurality of data streams) (Figure 1; Para. 0007-8, 0039, 0041);

transmitting the audio and video data into the network (Figure 1; Para. 0039, 0044, 0046);

evaluating a content of the miscellaneous data (i.e. receiving information with respect to A/V presentation)(Paragraphs 0039, 0041, 0044); saving the miscellaneous data according to a specified criterion(0008, 0044, 0048); sorting and managing the saved miscellaneous data; requesting the saved miscellaneous data for display(Para. 0044, 0046, 0048). However, the reference is unclear with respect to separating audio data, video data, and miscellaneous data from each of the plurality of digital data streams;

In similar field of endeavor, Jutzi et al teaches separating audio data, video data, and miscellaneous data from each of the plurality of digital data streams (i.e. demux separates audio, video and program data) (Figure 2). Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify

the reference for the common knowledge purpose of proving user an appliance-

independent user interface on the basis of which the user can select the presentation

independently of the appliances.

Claim 23 is rejected wherein transmitting the audio data and the video data into

the network (figure 1; Para. 0010, 0012, 0039) further comprises transmitting the audio

data and the video data in real-time (0010 and 0012).

Claim 24 is rejected wherein evaluating, saving, and requesting the

miscellaneous data does not occur in real-time (Figures 1 and 2; Para. 0010, 0012,

0039, 0044).

Regarding claim 25, Knobi et al teaches a digital television reception unit in a

mobile television system (Figure 1) comprising:

means for receiving a plurality of data streams of digital television signals (i.e.

A/V appliances able to receive plurality of data streams) (Figure 1; Para. 0007-8, 0039,

0041);

means for evaluating the content of the miscellaneous data (i.e. receiving

information with respect to A/V presentation)(Paragraphs 0039, 0041, 0044); means for

saving the miscellaneous data according to a specified criteria (0008, 0044, 0048); and

means for controlling, sorting, and managing the saved miscellaneous data from the

plurality of data streams (Para. 0044, 0046, 0048). However, the reference is unclear

with respect to means for separating video data, audio data, and miscellaneous data

signals from the plurality of data streams.

In similar field of endeavor, Jutzi et al teaches means for separating video data, audio data, and miscellaneous data signals from the plurality of data streams (i.e. demux separates audio, video and program data) (Figure 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the reference for the common knowledge purpose of proving user an appliance-independent user interface on the basis of which the user can select the presentation independently of the appliances.

Claim 26 is rejected wherein interfacing to means for networking the video data, audio data and miscellaneous data between the digital television reception unit and a display (Figures 1 and 2; Paragraphs 0010, 0012, 0039, 0041, 0044); and means for responding to requests for the miscellaneous data between an operating unit and the means for controlling (Figures 1 and 2; Para. 0009, 0039).

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KUNAL LANGHNOJA whose telephone number is 571-270-3583. The examiner can normally be reached on M-F 10:00 A.M. - 6:30 P.M. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on 571-272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. L./
Examiner, Art Unit 2427

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427